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Security Council

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Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Note verbale dated 14 January 2010 from the Permanent Mission of Andorra to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Principality of Andorra to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1533 (2004) and has the honour to submit the response of the Government of the Principality of Andorra to Security Council resolution 1896 (2009) concerning the Democratic Republic of the Congo (see annex).

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Please recycle

Annex to the note verbale dated 14 January 2010 from the Permanent Mission of Andorra to the United Nations addressed to the Chairman of the Committee

Report of Andorra on the implementation of Security Council resolution 1896 (2009)

Introduction

On 30 November 2009, the Security Council adopted resolution 1896 (2009) concerning the Democratic Republic of the Congo. Paragraph 5 of the resolution calls upon all Member States that have not previously done so to report to the Committee on the actions they have taken to implement the measures imposed by paragraphs 1, 2 and 3 of the resolution. Paragraph 12 requests all States to identify a focal point to the Committee in order to enhance cooperation and information-sharing with the Group of Experts. Paragraph 14 calls upon Member States to take measures to ensure that importers, processing industries and consumers of Congolese mineral products under their jurisdiction exercise due diligence on their suppliers and on the origin of the minerals they purchase. Paragraph 15 calls upon Member States to cooperate fully, in particular by providing details of any relevant national guidelines, licensing requirements or legislation relating to trading in mineral products.

Actions taken by the Government of Andorra to implement the measures imposed by paragraph 1: measures on arms

The Principality of Andorra has a long tradition of peace. It has lived without war or conflict for over seven centuries and has always expressed its support at the international level for the pursuit of disarmament. In that connection, Andorra wishes to point out that it has no army and does not have, develop, market, buy, possess, use or transfer military materiel. The transfer of weapons is an offence under the Andorran Criminal Code. The Police Service and Customs Service maintain constant border controls and ensure that no transfer of weapons takes place.

Actions taken by the Government of Andorra to implement the measures imposed by paragraph 2: measures on transport

These measures are to be implemented by the Governments in the region, in particular those of States bordering the provinces of Ituri and North and South Kivu, and that of the Democratic Republic of the Congo.

Actions taken by the Government of Andorra to implement the measures imposed by paragraph 3: financial and travel measures

Financial measures

The Ministry of Foreign Affairs and Institutional Relations of Andorra transmits the lists issued by the Security Council Committee established pursuant to resolution 1533 (2004) to the Ministry of the Interior and the Andorran Financial Intelligence Unit.

Within the competence granted to it under the Act on International Cooperation in Criminal Matters, Prevention of the Laundering of Money or Securities Constituting the Proceeds of International Crime and Prevention of the Financing of Terrorism, the Financial Intelligence Unit issues official communications reproducing the measures specified in Security Council resolution 1807 (2008). The communications are addressed to financial entities subject to the Act as defined in article 41 of the Act, namely, individuals or entities that are subject to the legal obligations specified in this Act and which belong to any of the following categories:

- Operative components of the financial system
- Insurance companies authorized to operate in the life insurance sector
- Money transfer institutions.

The Act on International Cooperation in Criminal Matters, Prevention of the Laundering of Money or Securities Constituting the Proceeds of International Crime and Prevention of the Financing of Terrorism provides that those subject to its provisions shall monitor all transactions that, although not suspicious, take place under complex or unusual conditions and seem to have no economic justification or legal purpose, and especially transactions likely to involve money-laundering operations and those requiring special monitoring according to official communications.

If one of the entities subject to the Act has reason to suspect that a transaction may be linked to one of the entities or individuals listed in official communications, that transaction is blocked by the Unit and the corresponding file is subsequently transferred to the Public Prosecutor.

The Court of First Instance of Andorra (*Batllia*) is competent to freeze funds which are on Andorran territory and which are owned or controlled, directly or indirectly, by individuals or entities included on the lists issued by the Committee.

Travel measures

The Ministry of Foreign Affairs and Institutional Relations transmits regularly to the Police Service of Andorra the lists and amendments thereto circulated by the various committees of the Security Council. The Police Service immediately implements the measures to which they refer. These lists are entered into the Police database, which police officers may consult in connection with any check.

The Police Service, working with the Immigration Service, is competent to examine the identity documents, nationality and police record of any person requesting permission to immigrate and must in all cases consult the police database.

With regard to border controls, the Immigration Act states that one of the conditions for entry into the Principality of Andorra is that the person requesting entry must not constitute a threat to the security of the State, persons or property or to public order. Furthermore, he must not constitute a serious public health threat and must prove that he has sufficient financial means to support his stay in the country. To that end, border officials must also consult the Police Service database when carrying out controls.

The Police Service database is connected to the International Criminal Police Organization (INTERPOL) database. The Andorran police are also in constant contact with the French and Spanish police.

Andorra has neither a port nor an airport. Andorra can be entered only by road, and the borders are patrolled by the Police Service 24 hours a day.

Designation of a focal point in order to enhance cooperation and information-sharing with the Group of Experts

Mr. Josep Lluís Santuré Marcos
Administrator of the Customs Service Technical Division
Andorran Customs Service
Ministry of Economics and Finance
Telephone: +376 879 931
Fax: +376 860 360
E-mail: JLuis_SantureMarcos@govern.ad

Measures taken by the Government of Andorra to ensure that importers, processing industries and consumers of Congolese mineral products under their jurisdiction exercise due diligence on their suppliers and on the origin of the minerals they purchase

The Andorran Customs Service is responsible for monitoring freight traffic in Andorra.

The risk-analysis systems used by the Customs Service monitor the flow of trade. The Customs Service gives the fullest attention to all goods coming from or going to the Democratic Republic of the Congo. These various controls ensure the application of the measures provided for by resolution 1896 (2009).

In addition, the following should be noted:

- Importing or exporting the following items is strictly prohibited in Andorra: military weapons, weapons for law enforcement only, firearms combined with edged weapons, firearms in which the factory or original characteristics have been significantly modified, silencers adaptable for use with firearms, night vision equipment, laser beam projectors or similar equipment, armour-piercing bullets, explosives, incendiary ammunition, expanding bullets, "dum-dum" bullets, shotshells and projectiles associated with this type of ammunition
- Other arms and their ammunition, as well as explosive substances, are subject to prior authorization for import and export in Andorra
- Because of the special geographical situation of Andorra, which is enclosed between two States members of the European Union, together with the absence of any transport routes other than roads, all goods entering or leaving Andorra are subject to additional controls by the French or Spanish authorities.

Lastly, it should be noted that there has been no direct trade relationship between the Principality of Andorra and the Democratic Republic of the Congo during the past three years.

Relevant information on guidelines, licensing requirements or legislation relating to trade in mineral products

The Andorran Customs Service enforces European foreign-trade law, with regard to both products from the European Union and products imported directly from third countries.

Enclosure

Official communication

dated 31 December 2009 from the
Financial Intelligence Unit of Andorra

Sirs,

Pursuant to Security Council resolution 1533 (2004) concerning the Democratic Republic of the Congo, in March 2009 the Security Council of the United Nations decided that all Member States must freeze the financial assets of and sever all trade relations with the persons designated below.

Please consult your databases for the names of the persons listed and inform the Unit of the results as soon as possible.

Individuals:

1. **Bwambale** Frank Kakolele
2. **Kakwavu** Bukande Jérôme
3. **Katanga** Germain
4. **Lubanga** Thomas
5. **Mandro** Khawa Panga
6. **Mbarushimana** Callixte
7. **Mpamo** Iruta Douglas
8. **Mudacumura** Sylvestre
9. **Mujyambere** Leopold
10. **Murwanashyaka** Ignace
11. **Musoni** Straton
12. **Mutebustsi** Jules
13. **Ngudjolo** Mathieu Chui
14. **Njabu** Floribert Ngabu
15. **Nkunda** Laurent
16. **Ntawunguka** Pacifique
17. **Nyakuni** James
18. **Nzeyimana** Stanislas
19. **Ozia** Mazio
20. **Taganda** Bosco

Legal entities:

1. **Butembo Airlines**
2. **Congocom Trading House**
3. **Compagnie aérienne des grands lacs-Great Lakes Business Company**
4. **Machanga Ltd.**
5. **Tous pour la paix et pour le développement** (non-governmental organization)
6. **Uganda Commercial Impex**

We remain at your disposal to provide any clarification required.

Financial Intelligence Unit